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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------|------------------------|
| 10/063,414 | 04/21/2002 | Sharon Flank | 08228/1203278-US5 | 9904 |
| 39179 | 7590 | 09/25/2007 | | |
| Corbis Corporation c/o DARBY & DARBY P.C. P.O. BOX 770 Church Street Station NEW YORK, NY 10008-0770 | | | EXAMINER ALAM, SHAHID AL | |
| | | | ART UNIT 2162 | PAPER NUMBER |
| | | | MAIL DATE 09/25/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/063,414 | FLANK ET AL. | |
| | Examiner | Art Unit | |
| | Shahid Al Alam | 2162 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

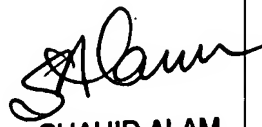
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05092007-09172007.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____


SHAHID ALAM
PRIMARY EXAMINER

DETAILED ACTION

1. The request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for Continued Examination under 37 CFR 1.114, the fee set forth in 37 CFR 1.17(e) has been paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 August 2007 has been entered. An action on the RCE follows.
2. Claims 1 – 20 are pending in this Office action.

Response to Arguments

3. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

Art Unit: 2162

pointing out how the language of the claims patentably distinguishes them from the references.

In every paragraph, Applicant states after each claimed limitation, "this is incorrect". Examiner is confused as to the meaning of the term "it is incorrect". Is it the use of 35 USC 103 is incorrect, or the citation portion is incorrect. Applicant did not respond how the language of the claims patentably distinguishes them from the cited portion of the references.

The subject matter of "logging the different search requests and expanding the logged search request" of claim 1 and "logging the search requests for which the search result is empty and expanding the logged search request" are similar meaning. When there is empty search result, it is same as no hit and needs further search or to modify the search and claim language teaches expanding the search request. Examiner concluded that the subject matter is same. If Applicant thinks that the independent claim limitations are different, it is suggested to indicate the difference, otherwise, Examiner would consider that the subject matter of all independent claims are same.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy Rada ("Rada") and in view of Timothy Gill ("Gill").

With respect to claim 1, Rada teaches a method for use with a system storing digital media records and comprising a search engine searching said stored digital media records (section 2.1, page 126), the method comprising the steps of:

receiving different search requests from users (section 1, Rada);

logging the different search requests (section 3.2, Rada);

expanding the logged search requests (section 4, Rada);

Art Unit: 2162

applying a statistical clustering algorithm to the expanded logged search requests based on content of the expanded logged search requests, thereby grouping similar search requests together (sections 2.4, 3.2 Rada);

identifying, using a semantic net hierarchy, a lowest-level term in the hierarchy that subsumes all queries in a grouping of search requests (section 2.1, Rada); and

communicating the identified term to a user (section 2.1, Rada).

Rada does not explicitly indicate "digital media" as claimed.

However, Gill teaches claimed digital media (a database/storage layer, where the digital assets representing pictures, sounds, text and other media data and the metadata that describe them reside; a server layer, from which assets are controlled and managed; and a client/interface layer, where users interact with assets by such actions as organizing, checking in, searching, and checking out, see col. 5, lines 36-40, Gill).

It would have been obvious to one ordinary skill the data processing art at the time of the present invention to modify the teachings of the cited references because digital media of Gill's teaching would have allowed Rada's system for unique process to manage a distributed architecture in order to optimize the performance across a network by monitoring and balancing the load and usage of the server and the storage entities (Gill, col. 3, lines 60-64).

As to claim 2, the expanding is performed using a thesaurus (section 3.1, Rada).

As to claim 3, the expanding is performed using a semantic net comprising synonyms and super-terms (section 2.1, Rada).

Claims 4 – 12 have the same subject matter as of claims 1-3 and essentially rejected for the same reasons as discussed above.

As to claim 13, a user expressing interest in a selected digital media record comprises the user placing the selected digital media record into an online shopping cart (sections 2.1, 2.3, Rada).

As to claim 14, a user expressing interest in a selected digital media record comprises the user purchasing rights to use the selected digital media record (section 2.11 Rada).

As to claim 15, a user expressing interest in a selected digital media record comprises the user placing the selected digital media record into an online projects folder or other work space (section 2.1, Rada).

As to claim 13, the identifying comprises identifying, using a semantic net hierarchy, a lowest-level linguistic term in the hierarchy that subsumes all queries in a grouping of search requests (section 4.1, Rada).

As to claim 17, the identifying comprises identifying, using a semantic net hierarchy, a lowest-level linguistic term in the hierarchy that subsumes all of the expanded query metadata results in the grouping of expanded query metadata results (sections 1,2.1, Rada).

As to claim 18, identifying, using the semantic net hierarchy in combination with term frequency in a reference corpus, a lowest level term in the hierarchy that subsumes all queries in a grouping of search requests (section 5, Rada).

Allowable Subject Matter


5. Claims 19 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday- Friday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shahid Al Alam
Primary Examiner
Art Unit 2162

September 16, 2007